



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID: 0648-XC064]

Taking and Importing of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; New five-year affirmative finding for Peru.

SUMMARY: The NMFS Assistant Administrator (Assistant Administrator) has issued a new 5-year affirmative finding for the Government of Peru under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow the importation into the United States of yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP), in compliance with the Agreement on the International Dolphin Conservation Program (AIDCP), by purse seine vessels operating under Peru's jurisdiction or exported from Peru. NMFS bases the affirmative finding determination on reviews of documentary evidence submitted by the Government of Peru and of information obtained from the Inter-American Tropical Tuna Commission (IATTC).

DATES: This new affirmative finding is effective for the five-year period of April 1, 2022, through March 31, 2027.

FOR FURTHER INFORMATION CONTACT: Justin Greenman, West Coast Region, NMFS, by mail: 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802, email: justin.greenman@noaa.gov, or phone: (562) 980-3264.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 *et seq.*, allows for importation into the United States of yellowfin tuna harvested by purse seine vessels in the ETP from a nation with jurisdiction over purse seine vessels with carrying capacity greater than 400 short tons that harvest tuna in the ETP only if the nation has an

“affirmative finding” issued by the NMFS Assistant Administrator. *See* Section 101(a)(2)(B) of the MMPA, 16 U.S.C. 1371(a)(2)(B); *see also* 50 CFR 216.24(f)(6)(i). If requested by the government of such a nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the AIDCP and its obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request a new affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS must determine whether the harvesting nation continues to meet the requirements of their 5-year affirmative finding. NMFS does this by reviewing the documentary evidence from the last year. A nation may provide information related to compliance with AIDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the AIDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f)(8), the Assistant Administrator considered documentary evidence submitted by the Government of Peru and obtained from the IATTC and has determined that Peru has met the MMPA’s requirements to receive a new five-year affirmative finding.

After consultation with the Department of State, the Assistant Administrator issued a new 5-year affirmative finding to Peru, allowing the importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP

by purse seine vessels operating under Peru's jurisdiction or exported from Peru.

Issuance of a new five-year affirmative finding for Peru does not affect implementation of an intermediary nation embargo under 50 CFR 216.24(f)(9), which applies to exports from a nation that exports to the United States yellowfin tuna or yellowfin tuna products that was subject to a ban on importation into the United States under section 101(a)(2)(B) of the MMPA, 16 U.S.C. 1371(a)(2)(B).

This new affirmative finding for Peru is for the five-year period of April 1, 2022, through March 31, 2027, subject to subsequent annual reviews by NMFS.

Dated: July 26, 2022.

Janet Coit,

Assistant Administrator for Fisheries,

National Marine Fisheries Service.

[FR Doc. 2022-16312 Filed: 7/28/2022 8:45 am; Publication Date: 7/29/2022]